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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,558	08/27/2001	Lixiao Wang	S63.2-9482	4996
490	7590	04/09/2004	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			BRUENJES, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/940,558

Applicant(s)

WANG, LIXIAO

Examiner

Christopher P Bruenjes

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1772

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1,2,4,7-13 and 59-62.

Claim(s) withdrawn from consideration: 14-58.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**ADVISORY ACTION**

***Acknowledgement of Applicant's Amendment***

1. The amendments made in the claims by canceling the previously presented claims and adding new claims have not been entered due to the fact that they raise new issues that would require further consideration and/or search. The limitation that the thermoplastic polymer of the first layer is a fluoro copolymer requires further consideration and/or search to determine if the prior art teaches that limitation, and the added limitation that the melt flow index of the MP-PTFE must be less than 2.5 g/10 minutes also requires further consideration and/or search.

**WITHDRAWN REJECTIONS**

2. The 35 U.S.C. 103 rejections of claims 7-8 and 61-62 over Tomaschko et al in view of Lunk et al of record in Paper #11, Pages 10-13 Paragraph 10, have been withdrawn due to Applicant's showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, subject to an obligation of assignment to the same person in the Paper filed March 10, 2004.

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**REPEATED REJECTIONS**

3. The objection to the specification, the 35 U.S.C. 112 rejections are repeated for the reasons previously of record in Paper #11, Pages 3-6 Paragraphs 7-8.

4. The 35 U.S.C. 103 rejections of claims 1, 2, 4, 9-13, and 59-60 over Saitou et al in view of Lunk et al are repeated for the reasons previously of record in Paper #11, Pages 7-10 Paragraph 9.

**ANSWERS TO APPLICANT'S ARGUMENTS**

5. Applicant's arguments regarding the objections to the specification, the 35 U.S.C. 112 rejections of record have not been considered because they are directed towards non-entered claims and therefore are not commensurate in scope with the currently presented claims.

6. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 1, 2, 4, 9-13, and 59-60 over Saitou et al in view of Lunk et al have not been considered because they are directed towards non-entered claims and therefore are not commensurate in scope with the currently presented claims.

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7. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 7-8 and 61-62 over Tomaschko et al in view of Lunk et al have been considered but are moot since the rejections have been withdrawn.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes  
Examiner  
Art Unit 1772

CPB

March 30, 2004

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

3/31/04